IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 33492 of 2004(K)

PETITIONER:

GOPINATHAN NAIR S.,
RETD. JUNIOR SUPERINTENDENT, N.S.S. COLLEGE,
PANDALAM, RESIDING AT HARISREE MANDIRAM, VENMONY,
CHENGANNUR, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENTS:
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1. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION,
KOTTAYAM.

2. THE PRINCIPAL,
N.S.S. COLLEGE, PANDALAM.

3. THE EDUCATION SECRETARY,
N.S.S. COLLEGES CENTRAL COMMITTEE,
CHANGANASSERRY.

Addl.R4. THE TREASURY OFFICER
PANDALAM.

Addl.R5. THE ACCOUNTANT GENERAL (A & E)
THIRUVANANTHAPURAM.
(Additional respondents 4 and 5 are impleaded
as per order dated 25/7/07 in I.A.10266/07)

BY ADV. SRI.P.G.PARAMESWARA PANICKER, SC FOR R2 & R3
SRI.P.GOPAL
GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 33492 of 2004(K)

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Commutation Payment Order No.P-18/BZ/C/30571805 dated nil.

Ext.P2: True copy of the Gratuity Payment Order No.P-18/BZ-G/30571805 dated nil for an amount of Rs.1,54,275/-

Ext.P3: True copy of the letter No.P-18/Pen A/290/BZ/04-05 dated 16.7.2004 from the office of the Accountant General (A&E), Kerala, Thiruvananthapuram.

Ext.P4: True copy of the letter of one K.Govindan kutty, Lecturer (SC) Grade, MMNSS College, Kottayam to the Chairman, KSFE, Thrissur, dated 25.8.2004.

Ext.P5: True copy of the letter sent by the petitioner to the 3rd respondent dated 7.9.2004.

Ext.P6: True copy of the letter No.G2/Loan Recovery/1591/04 dated 24.9.2004 received by the petitioner from the 2nd respondent.

Ext.P7: True copy of the reply letter sent by the petitioner dated 28.9.2004 to the 2nd respondent.

Ext.P8: True copy of the communication dated 3.3.2005.

Ext.P9: True copy of the communication dated 31.8.05.

RESPONDENT'S EXHIBITS:

Ext.R2(a): True copy of the letter No.CNL/62/9495 dated 15.4.2004 sent by the Pathanamthitta District Co-operative Bank, Pandalam branch.

Ext.R2(b): True copy of the letter dated 18.7.2004 sent by the petitioner to the Branch manager, Syndicate Bank, Pandalam, throught the 2nd respondent.

// True copy //

P.A. To Jude

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A.K.BASHEER, J.

W.P.(C)No.33492 OF 2004

Dated this the 25th day of July, 2007

JUDGMENT

Petitioner retired from service while he was working as Junior Superintendent in N.S.S. College at Pandalam. His grievance in this writ petition is that his retiral benefits are not being disbursed to him, though he retired from service on May 31, 2004.

2. When this writ petition came up for consideration on January 9, 2006, the following order was passed by this court:

> "Ext.P6 is the liability statement pertaining to the petitioner. Out of the total amount of Rs.5,04,929/- mentioned therein, item No.7 which is the most substantial one amounting to Rs.3,15,000/- is a secured debt. There is no justification for deducting that amount from the DCRG of the petitioner. It is seen that some of the other items have been paid off completely and some are paid in part. The liability which remains will be only Rs.95,593/- out of items 2, 5 and 6. Under these circumstances, there will be an

interim order directing the 2nd respondent to issue the NLC showing the liability of the petitioner to be just Rs.95,593/-. The 2nd respondent will issue NLC to the 1st respondent so as to enable him to pass appropriate orders addressing the Treasury Officer concerned."

3. Learned counsel for respondents 2 and 3 submits that non liability certificate had been forwarded to the Deputy Director of Collegiate Education as directed in the above order. The Deputy Director in turn, has forwarded the same to the Accountant General through the Director of Collegiate Education. What remains is only that the Accountant General has to process the relevant documents and issue authorization to effect payment to the petitioner.

4. In the above facts and circumstances, writ petition is disposed of with a direction to additional respondent no.5 to complete the process of scrutiny and authorize the Sub Treasury Officer, Pandalam (respondent no.4) to release payment to the petitioner. The above order shall be

communicated by the Accountant General to the institutions from where the petitioner has availed of loan as revealed from Ext.P6. This shall be done by respondent no.5 as expeditiously as possible, at any rate, within two months from the date of receipt of a copy of this judgment. Respondents 4 and 5 shall ensure that petitioner gets the retiral benefits excluding the liability, within an outer limit of four months from the date of receipt of a copy of this judgment.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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